

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CITY OF RIVIERA BEACH GENERAL	)	
EMPLOYEES RETIREMENT SYSTEM,	)	
DORIS ARNOLD, ROOFERS LOCAL	)	Civil Action No. 2:15-cv-821
149 PENSION FUND, MARSHA	)	
BLAKE, and B.W. LEWIS on behalf of	)	
themselves and all others similarly	)	United States District Judge
situated,	)	Mark R. Hornak
	)	
Plaintiffs,	)	United States Magistrate Judge
	)	Cynthia Reed Eddy
v.	)	
	)	
MYLAN N.V., HEATHER BRESCH and	)	
ROBERT J. COURY,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

**Mark R. Hornak, United States District Judge**

On June 22, 2015, the above captioned case was filed in this Court and was referred to a Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges. Thereafter, the actions at 2:15-cv-941 and 2:15-cv-1539 were consolidated into this action. (ECF Nos. 38, 61).

On May 10, 2016, United States Magistrate Judge Cynthia Reed Eddy issued a Report and Recommendation (ECF No. 75) in which she recommended that Defendants' Motion to Dismiss the Consolidated Amended Class Action Complaint for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Procedure (ECF No. 54) be granted; that the Consolidated Amended Class Action Complaint (ECF No. 39) be dismissed with prejudice; and that the remaining two pending motions – Plaintiffs' Motion for Partial Summary Judgment

(ECF No. 42) and Defendant Mylan N.V.'s Motion to Deny Summary Judgment (ECF No. 55 *errata* 56) – be denied as moot. Plaintiffs filed timely Objections to the Report and Recommendation (ECF No.76), and Defendants have filed timely Responses to such Objections, (ECF No. 77).

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation and Objections/ Responses thereto, the following Order is entered:

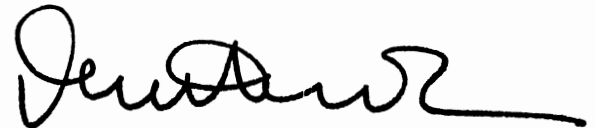
**AND NOW**, this 12<sup>th</sup> day of August, 2016, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss the Complaint (ECF No. 54) is **GRANTED** and the Consolidated Amended Class Action Complaint (ECF No. 39) is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Partial Summary Judgment (ECF No. 42) is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that Defendant Mylan N.V.'s Motion to Deny Summary Judgment (ECF No. 55 *errata* 56) is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the Report and Recommendation is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this **CASE CLOSED**.



Mark R. Hornak  
United States District Judge

cc: all ECF registered counsel